

### **REMARKS**

Applicant respectfully acknowledges receipt of the Office Action dated March 14, 2005, in which the Examiner has indicated the presence of allowable subject matter. In that Action, the Examiner: (1) allowed claims 15-22; (2) rejected claims 1, 6, 9, 12 and 13 under 35 U.S.C. § 102(b) believing them to be anticipated by *Godfrey* (U.S. Patent No. 2,374,192); *Woodbury* (U.S. Patent No. 3,247,742); *Bee et al.* (U.S. Patent Nos. 5,971,086 and 6,079,509); *Keyes* (U.S. Patent Application No. 2002/0108748); (3) objected to claims 2-5, 10, 11 and 14 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims; (4) rejected claims 7 and 8 believing them to be indefinite under 35 U.S.C. § 112; and (5) stated that Figures 9C, 14A and B, 15A and B should be designated as prior art by legend.

#### **I. ALLOWED CLAIMS AND EFFECTIVELY ALLOWED CLAIMS**

Applicant appreciates the allowance of claims 15-22. The remaining claims (except canceled claims 7 and 8) are now allowable because they do not now depend from a rejected base claim, and are discussed below.

#### **II. DRAWING OBJECTIONS**

The Examiner stated Figures 9C, 14A and B, and 15A and B should be designated by a legend such as "Prior Art." In support of his statement, the Examiner referred the Applicant to MPEP 608.02(g).

MPEP 608.02(g) requires drawings to be designated by a legend such as "Prior Art" when "only that which is old is illustrated." In the present situation, these figures depict certain embodiments of the invention which, like most all inventions, include parts or components

which themselves are old, although the inventive combination is new. For example, Figure 9C shows jaw inserts 90a, b and Figure 15A shows jaw inserts 156 corresponding to an embodiment of the invention shown in Figure 9A. Hence, these figures do not contain “only that which is old.” The Applicant feels that if these figures were designated as requested by the Examiner, such designation would mislead and might be an admission that these figures contain only prior art, where in fact, these figures depict embodiments of the invention which are new and which include old and new components in a new and non-obvious combination. The Applicant, therefore, respectfully submits that Figures 9C, 14A and B, and 15A and B are presently in compliance with the MPEP.

Applicant also submits herewith Replacement Sheets including formal drawings.

### **III. CLAIM REJECTIONS AND OBJECTIONS**

Applicant cancels rejected claims 7 and 8. Applicant respectfully submits that all remaining rejected and objected to claims are allowable over the cited art for the reasons stated below.

#### **Claim 1, 2-6 and 9-14**

Claim 1 has been amended to comprise “wherein at least one of said teeth further includes a crest having a crest length, said crest length being less than said width of said one tooth.” None of *Godfrey*, *Woodbury*, *Bee et al.* and *Keyes* discloses the tooth as claimed in claim 1.

Applicant respectfully submits that claim 1, as well as claims 2-6 and 9-14 depending from claim 1, are allowable over the cited art.

#### **Claims 7 and 8**

Applicant cancels claims 7 and 8.

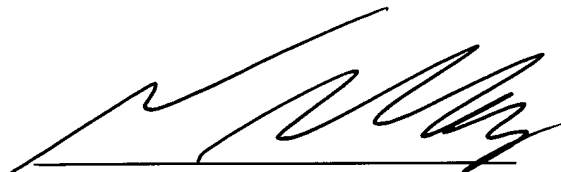
#### IV. CONCLUSION

In the course of the foregoing discussions, the applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and allowance of the pending claims and a timely Notice of Allowance be issued in this case. If the Examiner feels that a telephone conference would expedite the resolution of this case, he is respectfully requested to contact the undersigned.

If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley Rose, P.C. Deposit Account Number 03-2769.

Respectfully submitted,



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Appl. No. 10/661,707  
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**AMENDMENTS TO THE DRAWINGS**

The attached Replacement Sheets include formal drawings intended to replace the informal drawings filed with the application.